

**MEETING NO. 1  
JANUARY 8, 2007**

**ERIE COUNTY LEGISLATURE**

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The Legislature was called to order by the Clerk of the Legislature.

The Roll being duly called by Mr. Robert M. Graber, Clerk of the Legislature, the following Legislators answered to wit:

1 <sup>st</sup> District Daniel M. Kozub	2 <sup>nd</sup> District Timothy M. Kennedy
3 <sup>rd</sup> District George A. Holt, Jr.	4 <sup>th</sup> District Michael H. Ranzenhofer
5 <sup>th</sup> District Kathy Konst	6 <sup>th</sup> District Maria R. Whyte
7 <sup>th</sup> District Demone A. Smith	8 <sup>th</sup> District Thomas J. Mazur
9 <sup>th</sup> District Cynthia E. Locklear	10 <sup>th</sup> District Michele M. Iannello
11 <sup>th</sup> District Lynn M. Marinelli	12 <sup>th</sup> District Robert B. Reynolds, Jr.
13 <sup>th</sup> District John J. Mills	14 <sup>th</sup> District Thomas A. Loughran
15 <sup>th</sup> District Barry A. Weinstein, MD	

A Moment of Silence was held.

The Pledge of Allegiance was led by Mr. Kennedy.

Item 1 – Mr. Graber called for nominations for the Office of Chairman of the Legislature for the year 2007.

MS. WHYTE placed in nomination for Chairman of the Legislature LYNN M. MARINELLI. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

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We, the undersigned, representing a majority of the members of the Democratic Caucus in the Erie County Legislature do hereby nominate **LYNN M. MARINELLI** as Chairman of the Erie County Legislature for 2007

1 <sup>st</sup> District Daniel M. Kozub	2 <sup>nd</sup> District Timothy M. Kennedy
3 <sup>rd</sup> District George A. Holt, Jr.	5 <sup>th</sup> District Kathy Konst
6 <sup>th</sup> District Maria R. Whyte	7 <sup>th</sup> District Demone A. Smith
8 <sup>th</sup> District Thomas J. Mazur	9 <sup>th</sup> District Cynthia E. Locklear
10 <sup>th</sup> District Michele M. Iannello	11 <sup>th</sup> District Lynn M. Marinelli
12 <sup>th</sup> District Robert B. Reynolds, Jr.	14 <sup>th</sup> District Thomas A. Loughran

MS. WHYTE moved that nominations be closed. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Clerk of the Legislature directed that a roll call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES 15, NOES 0)

MS. MARINELLI having received the required number of votes cast was declared duly elected CHAIRMAN OF THE ERIE COUNTY LEGISLATURE for the year 2007.

Item 2 – CHAIRMAN MARINELLI directed that the Rules of Legislature for 2007 be tabled.

Item 3 – CHAIRMAN MARINELLI called for nominations and election of the Clerk of the Legislature for the year 2007.

We, the undersigned, representing a Majority of the members of the Erie County Legislature do hereby designate **ROBERT M. GRABER** as Clerk of the Erie County Legislature for 2007.

1 <sup>st</sup> District Daniel M. Kozub	2 <sup>nd</sup> District Timothy M. Kennedy
---------------------------------------------	------------------------------------------------

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3 <sup>rd</sup> District George A. Holt, Jr.	5 <sup>th</sup> District Kathy Konst
6 <sup>th</sup> District Maria R. Whyte	7 <sup>th</sup> District Demone A. Smith
8 <sup>th</sup> District Thomas J. Mazur	9 <sup>th</sup> District Cynthia E. Locklear
10 <sup>th</sup> District Michele M. Iannello	11 <sup>th</sup> District Lynn M. Marinelli
12 <sup>th</sup> District Robert B. Reynolds, Jr.	14 <sup>th</sup> District Thomas A. Loughran

MS. WHYTE moved for the approval of ROBERT M. GRABER as Clerk of the Legislature for 2007. MR. KOZUB seconded.

CARRIED UNANIMOUSLY

Item 4 – CHAIRMAN MARINELLI called for nominations for the Majority Leader of the Legislature for 2007.

MR. REYNOLDS placed in nomination for Majority Leader of the Legislature MARIA R. WHYTE. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved that nominations be closed. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, representing a Majority of the members of the Erie County Legislature do hereby nominate **MARIA R. WHYTE** as Majority Leader of the Erie County Legislature for 2007.

1 <sup>st</sup> District Daniel M. Kozub	2 <sup>nd</sup> District Timothy M. Kennedy
3 <sup>rd</sup> District George A. Holt, Jr.	5 <sup>th</sup> District Kathy Konst
6 <sup>th</sup> District Maria R. Whyte	7 <sup>th</sup> District Demone A. Smith
8 <sup>th</sup> District Thomas J. Mazur	9 <sup>th</sup> District Cynthia E. Locklear

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10<sup>th</sup> District  
Michele M. Iannello

11<sup>th</sup> District  
Lynn M. Marinelli

12<sup>th</sup> District  
Robert B. Reynolds, Jr.

14<sup>th</sup> District  
Thomas A. Loughran

MR. REYNOLDS moved for the approval of Maria R. Whyte as Majority Leader of the Legislature for 2007. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. WEINSTEIN placed in nomination for Minority Leader of the Legislature JOHN J. MILLS. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved that nominations be closed. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, pursuant to the 2006 rules of the Erie County Legislature, do hereby designate **JOHN J. MILLS** as Minority Leader of the Erie County Legislature.

MICHAEL H. RANZENHOFER  
4<sup>TH</sup> District

JOHN J. MILLS  
13<sup>th</sup> District

BARRY A. WEINSTEIN  
15<sup>TH</sup> District

MR. WEINSTEIN moved for the approval of John J. Mills as Minority Leader of the Legislature for 2007. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. WHYTE presented the following petition and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the **Front Page**, published in Lackawanna, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2007.

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1 <sup>st</sup> District Daniel M. Kozub	2 <sup>nd</sup> District Timothy M. Kennedy
3 <sup>rd</sup> District George A. Holt, Jr.	5 <sup>th</sup> District Kathy Konst
6 <sup>th</sup> District Maria R. Whyte	7 <sup>th</sup> District Demone A. Smith
8 <sup>th</sup> District Thomas J. Mazur	9 <sup>th</sup> District Cynthia E. Locklear
10 <sup>th</sup> District Michele M. Iannello	11 <sup>th</sup> District Lynn M. Marinelli
12 <sup>th</sup> District Robert B. Reynolds, Jr.	14 <sup>th</sup> District Thomas A. Loughran

MS. WHYTE presented the following petition and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the following newspaper, **Lancaster Bee**, published in Lancaster, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2007, effective January 1, 2007.

1 <sup>st</sup> District Daniel M. Kozub	2 <sup>nd</sup> District Timothy M. Kennedy
3 <sup>rd</sup> District George A. Holt, Jr.	5 <sup>th</sup> District Kathy Konst
6 <sup>th</sup> District Maria R. Whyte	7 <sup>th</sup> District Demone A. Smith
8 <sup>th</sup> District Thomas J. Mazur	9 <sup>th</sup> District Cynthia E. Locklear
10 <sup>th</sup> District Michele M. Iannello	11 <sup>th</sup> District Lynn M. Marinelli
12 <sup>th</sup> District Robert B. Reynolds, Jr.	14 <sup>th</sup> District Thomas A. Loughran

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MR. MILLS presented the following petition and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

January 8, 2007

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature, do hereby designate the **Amherst Bee**, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2007.

MICHAEL H. RANZENHOFER  
4<sup>th</sup> District

JOHN J. MILLS  
13<sup>th</sup> District

BARRY A. WEINSTEIN  
15<sup>th</sup> District

MR. MILLS presented the following petition and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

January 8, 2007

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature, do hereby designate the Southtowns Citizen, published in Orchard Park, New York, having general circulation in the County of Erie, as the official newspaper effective January 1, 2007 for the publication of Concurrent Resolutions.

MICHAEL H. RANZENHOFER  
4<sup>th</sup> District

JOHN J. MILLS  
13<sup>th</sup> District

BARRY A. WEINSTEIN  
15<sup>th</sup> District

Item 7 – Mr. Mills moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

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MR. MILLS moved for immediate consideration and approval for the following petition.  
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

We, the undersigned members of the Erie County Legislature, constituting members of the Minority Caucus, pursuant to the 2006 Rules of the Erie County Legislature, do hereby appoint Ronald P. Bennett as the Minority Counsel of the Erie County Legislature.

MICHAEL H. RANZENHOFER  
4<sup>th</sup> District

JOHN J. MILLS  
13<sup>th</sup> District

BARRY A. WEINSTEIN  
15<sup>th</sup> District

Item 8 – No tabled items.

Item 9 – No items for reconsideration from previous meetings.

Item 10 – MS. WHYTE moved for the approval of minutes for Meeting 24 of 2006. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 11 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 12 – MS. LOCKLEAR presented a resolution Honoring the 2006 West Seneca Chamber of Commerce Inc. Award Winners.

Item 13 – MS. LOCKLEAR presented a resolution Naming 1/1/07 Noah Bryan Suckow Day in the 9th Legislative District in the County of Erie.

Item 14 – MS. MARINELLI and MS. IANNELLO presented a resolution Honoring Erie County Legislator Robert B. Reynolds Jr. Upon the Occasion of His Retirement from the Buffalo Ford Stamping Plant.

Item 15 - MS. MARINELLI and MS. IANNELLO presented a resolution Honoring William Mariani Upon the Occasion of His Retirement as President of ECC.

Item 16 – MS. MARINELLI presented a resolution Honoring Nancy Dispenza Upon the Occasion of Her Retirement From ECMC.

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MS. WHYTE moved to consider the above five items. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above five items with Et Al sponsorship. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above five items as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 17 - CHAIRMAN MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table.

GRANTED.

Item 18 - CHAIRMAN MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table.

GRANTED.

Item 19 - CHAIRMAN MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table.

GRANTED.

Item 20 - CHAIRMAN MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table.

GRANTED.

### **COMMITTEE REPORTS**

Item 21 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 1

DECEMBER 13, 2006

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 16

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ALL MEMBERS PRESENT.

ALL ITEMS ARE HEREBY TABLED.

**TIMOTHY M. KENNEDY  
CHAIRMAN**

**LEGISLATOR RESOLUTIONS**

Item 22 - CHAIRMAN MARINELLI directed the following resolution be sent to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 1-1 from KONST, IANNELLO, LOCKLEAR, REYNOLDS & LOUGHRAN Re: Twenty-Four Hour County Vehicles

Item 23 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 2

RE: Seeking Federal Assistance for NRG Energy's CR Huntley Station in the Town of Tonawanda (INTRO 1-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, IANNELLO, LOUGHRAN, WHYTE, MILLS,  
KOZUB, KENNEDY, HOLT, RANZENHOFER, KONST, SMITH,  
MAZUR, LOCKLEAR, REYNOLDS AND WEINSTEIN**

**WHEREAS**, The good news for the Town of Tonawanda, Erie County and Western New York that NRG Energy, Inc.'s CR Huntley Station has been conditionally selected by New York State as the advanced clean-coal power plant initiative designee is an encouraging milestone for the spirit of our community and continued economic growth of our area; as well as securing and adding good-paying jobs, added tax revenue to support local services, ensuring a healthier environment and reducing our dependence on imported energy; and

**WHEREAS**, The conditional selection of CR Huntley's planned 680-megawatt power plant rests upon the strategic alliance between the New York Power Authority and NRG Energy working together to reduce the cost of the project and resulting lower cost for power generated by the plant in order to secure a long-term contract with the power authority; and

**WHEREAS**, In order to secure the permanent selection of CR Huntley, the NYPA and NRG Energy have eighteen months to reduce the cost of the project and/or secure additional funding; and

**WHEREAS**, A natural source of funding is the utilization of part of the \$650 million in federal credits remaining from the 2006 Energy Policy Act which aims to advance clean-coal projects nationally, and/or granting federal tax-exempt financing for the project to further ensure its official selection and long-term viability.

**NOW, THEREFORE, BE IT**

**RESOLVED**, That the Erie County Legislature does hereby go on record in saluting the tentative selection of NRG Energy's CR Huntley Station as the advanced clean-coal power plant initiative designee of New York State as a positive public policy decision both economically and environmentally; and be it further

**RESOLVED**, That this Legislature encourages NRG Energy and the New York Power Authority to continue their strategic alliance on behalf of the residents of WNY to ensure that the conditional selection of CR Huntley becomes permanent; and be it further

**RESOLVED**, That this legislative body respectfully submits that all stakeholders collaborate with the WNY delegation to Congress to encourage the federal government to issue much-needed federal tax credits through the utilization of part of the \$650 million in federal credits remaining from the 2006 Energy Policy Act, and/or granting federal tax-exempt financing for the project to further ensure its official selection and long-term viability; and be it further

**RESOLVED**, That certified copies of this resolution be forwarded to New York Governor Eliot Spitzer, NRG Energy Inc., the Western New York Delegations to Congress and the New York State Legislature, Local #97 International Brotherhood of Electrical Workers Union, the New York Power Authority, and the United States Department of Energy.

**FISCAL IMPACT:** Positive for the spirit and economics Town of Tonawanda, Erie County and WNY residents, job prospects for residents in the construction and operation of the upgraded CR Huntley Station, and for the environment due to the reduction of harmful emissions linked to global warming.

Item 24 - CHAIRMAN MARINELLI directed the following resolution be sent to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 1-3 from MS. IANNELLO Re: Establishing an Employee Suggestion Program in Compliance With LL No.5 – 2004

Item 25 - CHAIRMAN MARINELLI directed the following resolution be sent to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 1-4 from MS. IANNELLO Re: Resolution Regarding Wireless Phones

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 26 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-23 from MS. MARINELLI Re: 2007 Committee Assignments

Received, Filed and Printed.

**2007 Committee Assignments**

**Community Enrichment**

**Chairperson:** Michele M. Iannello  
**Vice-Chairperson:** Robert B. Reynolds Jr.  
**Members:** Thomas A. Loughran  
 Michael H. Ranzenhofer  
**Clerk:** Jeremy Rosen

**Economic Development**

**Chairperson:** Timothy M. Kennedy  
**Vice-Chairperson:** Kathy Konst  
**Members:** Robert B. Reynolds Jr.  
 John J. Mills  
**Clerk:** Geoffrey M. Szymanski

**Energy & Environment**

**Chairperson:** Thomas A. Loughran  
**Vice-Chairperson:** Daniel M. Kozub  
**Members:** Maria R. Whyte  
 John J. Mills  
**Clerk:** Paul Tarapacki

**Finance & Management**

**Chairperson:** Demone A. Smith  
**Vice-Chairperson:** Maria R. Whyte  
**Members:** Kathy Konst  
 John J. Mills  
**Clerk:** John C. Davis

**Government Affairs**

**Chairperson:** George A. Holt Jr.  
**Vice-Chairperson:** Cynthia E. Locklear  
**Members:** Robert B. Reynolds Jr.  
 Michael H. Ranzenhofer  
**Clerk:** Geoffrey M. Szymanski

**Health**

**Chairperson:** Cynthia E. Locklear  
**Vice-Chairperson:** Thomas J. Mazur  
**Members:** Maria R. Whyte  
 Dr. Barry A. Weinstein  
**Clerk:** Paul Henderson

**Human Services**

**Chairperson:** Thomas J. Mazur  
**Vice-Chairperson:** Demone A. Smith  
**Members:** Michele M. Iannello

**Public Safety**

**Chairperson:** Daniel M. Kozub  
**Vice-Chairperson:** Timothy M. Kennedy  
**Members:** Robert B. Reynolds Jr.

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Clerk: Dr. Barry A. Weinstein  
Paul Henderson

Clerk: John J. Mills  
Jeremey Rosen

Item 27 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-24 from MS. MARINELLI Re: 2007 Legislature Invocation and Pledge of Allegiance Schedule.

Received, Filed and Printed.

To: Robert M. Graber, Clerk

From: Lynn M. Marinelli, Chairperson

**Subject: 2007 LEGISLATURE INVOCATION AND  
PLEDGE OF ALLEGIANCE SCHEDULE**

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**ORDER OF NAMES – INVOCATION - PLEDGE**

**JANUARY**

8 - Kozub and Kennedy  
18 - Holt and Ranzenhofer

**FEBRUARY**

1 - Konst and Whyte  
15 - Smith and Mazur

**MARCH**

1 - Locklear and Iannello  
15 - Reynolds and Mills

**APRIL**

5 - Loughran and Weinstein  
19 - Weinstein and Kozub

**MAY**

3 - Mills and Holt  
17 - Iannello and Konst

**JUNE**

7 - Mazur and Smith  
21 - Whyte and Locklear

**JULY**

12 - Ranzenhofer and Reynolds  
19 - Kennedy and Loughran

**AUGUST**

Recess

**SEPTEMBER**

13 - Kozub and Kennedy  
27 - Holt and Ranzenhofer

**OCTOBER**

11 - Konst and Whyte  
25 - Smith and Mazur

**NOVEMBER**

15 - Locklear and Iannello  
29 - Reynolds and Mills

**DECEMBER**

4 - *Budget*  
6 - Loughran and Weinstein

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11 - *Budget Override*  
13 - Weinstein and Kozub

Item 28 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 1-5 from MARINELLI, Et Al Re: 2007 Erie County Capital Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 29 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-25 from MS. MARINELLI Re: Appointment to the Diversity Enhancement Committee.

Received, Filed and Printed.

January 8, 2007

Honorable Joel A. Giambra  
95 Franklin Street  
Buffalo, New York 14202

Dear Mr. Giambra:

Please be advised that pursuant to the language of Intro 24-4, as amended which was approved by the Erie County Legislature on December 14, 2006, I am appointing Legislator Demone A. Smith to serve as my appointment to the Diversity Enhancement Committee.

It should be noted that the resolution creating the Diversity Enhancement Committee requires that this committee be appointed and begin its work by January 15, 2007.

Sincerely,

Lynn M. Marinelli  
Chair, Erie County Legislature

cc: Legislator Demone A. Smith  
Ms. Jacqueline Stover, Commissioner Office of Public Advocacy

**COMMUNICATIONS FROM ELECTED OFFICIALS**

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FROM THE COUNTY EXECUTIVE

Item 30 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

RE: Reappointment to the ECMC Board of Directors (COMM. 1E-1)

RESOLVED, the Erie County Legislature does hereby approve the reappointment of the following individual to the Board of Directors of the Erie County Medical Center Corporation for a five (5) year term beginning January 1, 2007.

Dr. Joseph A. Zizzi, Sr.  
David K. Miller Building  
462 Grider Street  
Buffalo, New York 14215

FROM LEGISLATOR IANNELLO

Item 31 – (COMM. 1E-2) Copy of Letter to Buffalo Bills VP of Public Affairs Re: Declination of Game Tickets

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 1E-3) Copy of Letter to ECFSA Re: Four-Year Plan for FY 2007-2010

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 33 – (COMM. 1E-4) Apportionment & Distribution of New Collections from the Local 4.75% Sales and Compensating Use Tax for 10/06 - 12/06

Received and filed.

FROM THE COUNTY CLERK

Item 34 – (COMM. 1E-5) Resignation of Office

Received, Filed and Printed.

January 1, 2007

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**ERIE COUNTY LEGISLATURE**

Hon. Eliot Spitzer  
Governor of the State of New York  
The Capital  
Albany, New York 12224

Re: Resignation of Office

Dear Gov. Spitzer:

I, David J. Swarts, hereby resign my office of Erie County Clerk, effective today at 11:59 p.m.

By copy of this letter to the listed recipients, please receive and file this notice accordingly.

Sincerely,

DAVID J. SWARTS  
Erie County Clerk

Cc: Lorraine Cortex-Vazquez, Acting Secretary of State  
Joel Giambra, Erie County Executive  
Lynn Marinelli, Chair – Erie County Legislature  
Robert Graber, Clerk – Erie County Legislature  
John Greenan, Commissioner of Personnel

FROM THE COMPTROLLER

Item 35 – (COMM. 1E-6) Ralph Wilson Stadium Bond Resolution

Item 36 – (COMM. 1E-7) Erie Community College City Campus Bond Resolution

Item 37 – (COMM. 1E-8) 2007 Budget Adjustments

The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded. MR. RANZENHOFER abstained.

CARRIED (14-0-1).

RESOLUTION NO. 4

RESOLVED, the Erie County Executive is hereby authorized to sign a Ten and a Half (10.5) Month Lease Agreement with North Forest Properties #5 LLC for Legislative office space for

Michael Ranzenhofer, located at 8203 Main Street, Suite 4, Williamsville, New York 14221 for a monthly rate of \$600.

FROM THE COUNTY EXECUTIVE

Item 39 – (COMM. 1E-10) ECSO No. 3 - Town of Hamburg - Proposed Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 40 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

RE: DSS - Jewish Family Services of Buffalo & Erie County (COMM. 1E-11)

WHEREAS, the Department of Social Services has completed a Request for Proposals process to identify a provider of nursing assessment services to the elderly and disabled Medicaid population in Erie County, and

WHEREAS, the nursing assessments are required in conjunction with social assessments performed by department staff in developing and authorizing home-based personal care plans for this population, and these plans are part of the long term care case management and gate-keeping functions of the department's CASA (Community Alternative Systems Agency) operation, and

WHEREAS, the previous contract for this nursing assessment services with Coordinated Care Management Corporation was terminated effective December 29, 2006, and

WHEREAS, the notice of Request for Proposals was published in the Buffalo News and was posted on the County web site and responses were received from the American Red Cross, the Wellness Medical Practice and Jewish Family Services of Buffalo and Erie County, and

WHEREAS, staff from the Department of Social Services independently blind-scored these responses according to the quality of the presentation, cost and experience with a similar project and have selected Jewish Family Services, and

WHEREAS, approval of this resolution will provide for the expeditious transfer of the contract to Jewish Family Services and will facilitate continuity of care and will also minimize the need to provide payment under short term fee-for-service transition contracts with individual nurses, and

WHEREAS, there is no fiscal impact to this resolution as the contract is fully funded in the 2007 Adopted Budget and expenses are 100% reimbursed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to execute necessary contracts and agreements for this program, and be it further

RESOLVED, the redesignation of the appropriation line from funding identified in the 2007 Adopted Budget for Coordinated Care Management Corporation to the contract with Jewish Family Services and execution of that contract is hereby authorized, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

Item 41 – (COMM. 1E-12) ECSSTA - Siemens Building Technologies, Inc. - Energy Performance Contract - Change Order No. 5

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 42 – (COMM. 1E-13) Grant Programs - Authorization to Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 43 – (COMM. 1E-14) Enclosed One Person Plow Agreement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 44 – (COMM. 1E-15) ECSD No. 3 & STSTA - Engineer Term Agreement - Work Order: GPI-10

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 – (COMM. 1E-16) Senior Services - Authorization to Establish the ORT Grant & to Amend the III-B, III-C-1 and WRAP-SOFA Grants

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 46 – (COMM. 1E-17) ECSD No. 3 - Proposed Operations and Maintenance Agreement - Wanakah Sewer District

Item 47 – (COMM. 1E-18) ECSD No. 1 - Contract No. 22 PS-A - Donald J. Braasch Construction, Inc. - Contract Close-Out

Item 48 – (COMM. 1E-19) ECSD No. 1 - Greenman Pederson, Inc. - Engineering Agreement Close-Out - A/E Agreement Dated 2/3/00

Item 49 – (COMM. 1E-20) ECSD No. 3 - Proposed Operations and Maintenance Agreement - Woodlawn Sewer District

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Item 50 – (COMM. 1E-21) ECSD No. 6 - Southtowns Sewage Treatment Agency - Contract No. 6ST-A, General Contract Close Out

Item 51 – (COMM. 1E-22) DEP - Assistance Amendment Execution and Budget Revision for the Erie County Tribal Community RTAP Project

The above six items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM ERIE COMMUNITY COLLEGE**

Item 52 – (COMM. 1D-1) Notice of Board of Trustees Meeting Held 12/20/06

Received and filed.

**FROM THE COUNTY ATTORNEY**

Item 53 – (COMM. 1D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY**

Item 54 – (COMM. 1D-3) Agenda for Meeting Held 12/21/06

Received and filed.

**FROM ERIE COMMUNITY COLLEGE**

Item 55 – (COMM. 1D-4) Notice of Agenda for Meeting Held 12/20/06

Received and filed.

**FROM THE COUNTY ATTORNEY**

Item 56 – (COMM. 1D-5) Notice of Public Hearing - LL Intro No. 11-2006

Received, Filed and Printed.

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TO: PLEASE SEE LIST BELOW

FROM: Brian D. White, Assistant County Attorney

DATE: December 21, 2006

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**ERIE COUNTY LEGISLATURE**

RE: Notice of Public Hearing  
Local Law Intro. No. 11-2006

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Enclosed for your information is a copy of the Notice of Public Hearing for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on December 14, 2006, and which will be published in the County's two official newspapers next week.

Attachment

Hon. Lynn M. Marinelli, Chair  
 Hon. Maria R. Whyte, Majority Leader  
 Hon. Barry A. Weinstein, M.D., Minority Leader  
 Hon. Daniel M. Kozub  
 Hon. Timothy M. Kennedy  
 Hon. George A. Holt, Jr.  
 Hon. Michael H. Ranzenhofer  
 Hon. Kathy Konst  
 Hon. Demone A. Smith  
 Hon. Thomas J. Mazur  
 Hon. Cynthia E. Locklear  
 Hon. Michele M. Iannello  
 Hon. Robert B. Reynolds, Jr.  
 Hon. John J. Mills  
 Hon. Thomas A. Loughran  
 Robert Graber, Clerk, Erie County Legislature  
 Sean Ryan, Chief of Staff  
 Warren Galloway, Senior Executive Assistant to the County Executive  
 Matthew Spina, The Buffalo News

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing on Thursday, January 4 at 10:00 a.m. concerning:

A LOCAL LAW in relation to support of the Buffalo and Erie County Public Library.

The hearing will be held in the County Executive Conference Room 95 Franklin Street, 16<sup>th</sup> Floor, in the City of Buffalo, New York.

On December 14, 2006, the Erie County Legislature adopted Erie County Local Law Intro. No. 11-2006. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4<sup>th</sup> Floor of 92 Franklin Street, in the City of Buffalo, New York.

JOEL A. GIAMBRA

Erie County Executive

Item 57 – (COMM. 1D-6) ECFSA

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 58 – (COMM. 1D-7) Agenda Items Received and Filed on 12/31/06

Received, Filed and Printed.

January 2, 2007

TO: Erie County Legislators

FROM: Robert M. Graber, Clerk

REFERENCE: Agenda Items Received and Filed on 12/31/06

In accordance with Section 5.05 of the Erie County Legislature’s 2006 Rules of Order, please be advised that the attached list represents all items (Local Laws, Resolutions, Departmental and Miscellaneous Communications) that have been removed from the agenda of the Legislature (including all Committee Agendas) as of December 31, 2006.

All of these items were clocked-in on or before December 31, 2005. Items clocked-in after that date remain on the Legislature’s agenda.

**Attachment** – List of Received and Filed Items

Cc: Erie County Executive  
 Erie County Clerk  
 Erie County Comptroller  
 Erie County District Attorney  
 Erie County Sheriff  
 Other Interested Parties

Item Name	Session	Year	From	Subject	Committee
INTRO 25-3	25	2005	HOLT	Strengthening and Supporting Johnnie B. Wiley Sports Pavilion	Community Enrichment
INTRO 13-7	13	2005	KENNEDY	Support For Fair Work At The Bass Pro Redevelopment Project	Economic Development
COMM. 28E-15	28	2005	COUNTY EXECUTIVE	Open Item - Sewer District Bond Authorization	Energy & Environment

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LL INT 12-1	27	2005	MARINELLI	A LL Amending the EC Charter & EC Administrative Code as Amended, in Relation to the Titles and Positions of Deputy Commissioner and Deputy Director	Government Affairs
COMM. 23E-14	23	2005	COUNTY EXECUTIVE	DISS - SAP Plant Maintenance Implementation & Support for DPW, Parks Dept., Fleet Division & Division of Sewerage Management	Government Affairs
LL INT 7-1	10	2005	SMITH	The Local Law To Retain Jobs in NYS	

**FROM ERIE COMMUNITY COLLEGE**

Item 59 – (COMM. 1D-8) Minutes of 11/29/06 Board of Trustees Meeting

Received and filed.

**FROM THE CLERK OF THE LEGISLATURE**

Item 60 – (COMM. 1D-9) 2007 Committee Assignments

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE TOWN OF EVANS**

Item 61 – (COMM. 1M-1) Copy of Letter to Sheriff Re: Heliport

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Item 62 – (COMM. 1M-2) Brownfield Cleanup Program - Former Buffalo China Site

Received and filed.

**FROM THE BUFFALO COMMON COUNCIL**

Item 63 – (COMM. 1M-3) City of Buffalo "Obscenity" Ordinance

Received and filed.

**FROM SENATOR RATH**

Item 64 – (COMM. 1M-4) Receipt of Certified Resolution

Received and filed.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 65 – (COMM. 1M-5) Region 9 FWMA Board Minutes

Received and filed.

FROM THE CHEEKTOWAGA TOWN BOARD

Item 66 – (COMM. 1M-6) Certified Resolution Re: Memorialize Erie County to Renovate/Replace Certain Erie County Fire Training Facilities

Received and filed.

FROM JOSEPH H. HUFFNAGLE

Item 67 – (COMM. 1M-7) Erie County Home Electrical System

Received and referred to the HEALTH COMMITTEE.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 68 – (COMM. 1M-8) NFTA Board Minutes for Meeting Held 11/27/06

Received and filed.

FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 69 – (COMM. 1M-9) Designation of SEQR Lead Agency - Expansion of Tow Path Park

Received and filed.

FROM THE VILLAGE OF ANGOLA

Item 70 – (COMM. 1M-10) Certified Resolution Re: Elimination of Lackawanna Toll Barrier

Received and filed.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 71 – (COMM. 1M-11) Annual Operating Budget for FY Ending 3/31/08

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ASSEMBLYMAN HOYT

Item 72 – (COMM. 1M-12) Copy of Letter to Iannello Re: Logging in Erie County Forests  
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYS SHERIFFS ASSN.**

Item 73 – (COMM. 1M-13) Telephone Service for County Jails  
Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE NYS COMMISSIONER OF JURORS**

Item 74 – (COMM. 1M-14) Minutes of 12/15/06 Annual Jury Board Minutes  
Received and filed.

**MEMORIAL RESOLUTIONS**

Item 75 – Ms. Marinelli and Mr. Mills requested that when the Legislature adjourns, it do so in memory of Edith Rubin.

Item 76 – Ms. Marinelli and Mr. Mills requested that when the Legislature adjourns, it do so in memory of Dorothy Ryan.

Item 77 – Ms. Whyte requested that when the Legislature adjourns, it do so in memory U.S. soldiers serving in Iraq.

Item 78 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Lillie Bell Mitchell.

Item 79 – Ms. Konst requested that when the Legislature adjourns, it do so in memory of Vincent Arcadia.

Item 80 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of the the victims of the first two homicides in the City of Buffalo in 2007.

Item 81 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of James Brown.

Item 82 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of Carmen F. Deveso.

Item 83 – Mr. Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Gerald Ford.

**ADJOURNMENT**

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**ERIE COUNTY LEGISLATURE**

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Item 84 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. SMITH moved that the Legislature adjourn until Thursday, January 18, 2007 at 2 p.m. Eastern Standard Time. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, January 18, 2007 at 2 p.m. Eastern Standard Time.

**ROBERT M. GRABER  
CLERK OF THE LEGISLATURE**